

of you in your dialog. I have a different idea. I think that and I respectfully submit this—we would be better off if you did not file your motion for cloture. You can do that next week. I feel that, knowing the minority as well as I do, we would be better off. If things don't work out by Tuesday at this time, you can still file your motion to invoke cloture.

I don't think we should be filing motions to invoke cloture on these judges. I don't think we need to do that. Give us a little time to work this out. I respectfully submit to my dear friend that I think we would be making a mistake procedurally. I have only been to Mississippi once, and that was when I went to Senator John Stennis' funeral, a man who I had the pleasure of serving with years ago. I had great respect for him. I feel that, in the Stennis way of doing business, we need to do a little more deliberating and less pushing people's backs to the wall. I feel this motion would be the wrong thing.

As I say, I have spoken to the Senator from Utah. I know how badly he wants this judge to be approved. I think you have gone some way this evening in saying that you have mentioned four people that I think we can approve pretty quickly.

Mr. LOTT. Possibly a fifth one. I would have to get clearance on it.

Mr. REID. I say to my friend—and I am not begging; I don't want to do that—I think we would all be better off if the cloture motion were not filed today. If you need to do it, do it Tuesday. That is going to move along, and we are going to be around here next week and the week after. I think we would be better off. Let's not get into a motion to invoke cloture on judges. The big problem is with Ted Stewart from Utah. Let's see if we can work through that.

Mr. LOTT. Is there any possibility that we can get a time agreement on Stewart? I know Senators would like to make themselves heard, perhaps, on that nomination, or perhaps as it relates to other nominees. I have no desire to cut Senators off at will. Maybe the time I asked for was too short, with 2 hours for Senator LEAHY and only 30 minutes for Senator HATCH, where the nominee is from. We can go to 4 hours on each side.

Mr. REID. I respectfully submit that I don't think the time is the issue. I think we have to work our way through a little bit of the politics of this judicial appointment stuff. In my opinion, I think we could do it much easier if there weren't that cloture motion filed.

Mr. LOTT. I have a couple of problems: One, Senator HATCH, I think, feels that I embarked upon a strategy that has disadvantaged him because I started moving judges—6 of them. And now 2 more are ready to go. Then when we got to the ninth one, his judge, we are told, no. Even though you have 8 judges nominated by Democrats, we have one now that is supported by Sen-

ator HATCH, the chairman of the Judiciary Committee, and you can't do that unless we get an agreement to move 5 other judges.

So I understand what you are saying. I really prefer not to do this. But the problem I have now is that I told Senators who have now left that I would do this, and I believe we have told Senators we will have two votes at 5:30 Tuesday. This is one of them. That is my problem. Another problem is time. We are getting to the end of the fiscal year. If we don't do this now and get closure on Judge Stewart, with next week being a four-day week—assuming we can get the Senators to work 4 days—and with five the next week, which are the last 2 weeks of the fiscal year, we are not going to be able to get through any of these judges until October. I hope that we can go ahead and resolve the Stewart matter. I could violate the request, and then we could move five judges, I hope.

Mr. REID. The problem that I have, though—and you already touched upon it—we know where the votes are on this issue. We don't need to have a Federal judge decided on less than a majority vote. So why can't we just wait and see if we can work this out? I think it would be better. I think we are going to be forced into a vote here.

Mr. LOTT. Can you give me a commitment that we will get a vote next week on Judge Stewart?

Mr. REID. Well, the only problem with that is, if we can't work things out, then you will be stuck with the cloture motion. I think it would be better if that were done after we really saw, based upon the feelings that the Judiciary Committee chairman has on this—

Mr. LOTT. I want to pay a compliment to Senator REID. As always, he is persistent, and he is trying to find a solution. That is the way we have to work around here. I appreciate that attitude. I appreciate the way he has done his job since he has been the assistant Democratic leader and whip. So I weigh that carefully.

At this point, I think I will have to go forward with this. But I will be here tomorrow. I will be here all day Tuesday. Senator HATCH and Senator LEAHY will be working together. I will not let this happen without personal conversation with Senator DASCHLE. I talked with him briefly about it this morning. He won't be here tomorrow, but he will be back next Tuesday. It is a high holy day for the Jewish community. I believe he will be around during the day. We will try to work this out. I want to work this out. "I ain't got a dog in this fight," except I'm trying to do my job. So I want to do it in such a way that everybody is satisfied that we are being fair. I don't think it is fair that the nominees from California, New York, Utah, and Missouri all get balled up in this web. I hope we can avoid that.

Mr. LEAHY. Touching on another subject—and obviously the two leaders can determine what they want as far as

the cloture point is concerned—on the timing on Mr. Stewart's nomination, in my experience and my judgment, I say to my friend from Mississippi that: If we had worked out an arrangement to vote on these judicial nominees on the calendar, the sort of thing we are talking about doing now, working out the amount of time to be taken on Stewart would be the least of our worries; it would be a relatively short time because it would be all part of the same package.

We could spend more time talking about how much time there will be on the floor than probably what there would be at that time. That is going to be the least of our problems. If we get some of these judges worked out and some idea of when other judges are coming up, that is going to be the easy thing to do.

Mr. LOTT. I may have an idea or the staff, as quite often is the case, may have come up with an idea.

Mr. LEAHY. We have a constitutional impediment to the staff, I say to the leader.

Mr. LOTT. Let me explain what it is. Then I will explain what it means.

First of all, I ask unanimous consent that notwithstanding rule XXII, it be in order for the majority leader to file a cloture motion on the pending nomination at 5:30 p.m. on Tuesday, and if that motion is filed, that vote occur on Tuesday immediately following the 5:30 p.m. vote. Needless to say, this will give all Members until 5:30 on Tuesday to discuss the nomination.

What I am asking for is an opportunity to not file it, but by getting this agreement, it will be the same as if I had filed it. If we get an agreement, no problem. If we don't, then there will be a vote at 5:30.

Mr. LEAHY. That is OK with me.

Mr. REID. No objection.

The PRESIDING OFFICER. The majority has a previous unanimous consent request. Does he withdraw that?

Mr. LOTT. I do, and I propound this one which I just read, and ask for its consideration.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. Mr. President, I thank Senator REID and Senator LEAHY very much for their cooperation.

#### PROGRAM

Mr. LOTT. Mr. President, for the information of all Senators, there will be no further rollcall votes today.

The Senate will be in pro forma session on Friday, and there will be no session on Monday in recognition of the Jewish holy day.

The next rollcall votes will occur at 5:30 p.m. on Tuesday in a back-to-back sequence, if there are two votes, with the first vote on cloture on the bankruptcy bill, and the second vote on the nomination of Ted Stewart, if one is required.

The Senate may also consider the Department of Defense authorization conference report under a 2-hour time limit.

Finally, the fiscal year is coming to an end. Therefore, Members should expect late sessions during next week, and they should anticipate being in session each day—Tuesday, Wednesday, Thursday, and Friday—so that we can complete action on the Department of Defense authorization conference report, the Interior appropriations bill, the HUD, and the Veterans' Administration appropriations bills, and any other actions that can be cleared.

I think we have made good progress today in spite of the rain and sometimes windy weather. I think we made the right decision to stay here. As a result of us staying and working today, we passed the Treasury and Postal Service appropriations conference report, the District of Columbia appropriations conference report, and the Transportation appropriations bill, and have put in place a process to move a number of Federal judicial nominations.

I thank my colleagues for their patience, and for being here today as we have made that effort.

#### AUGUST 1999 VISIT TO THE HAGUE, UKRAINE, ISRAEL, JORDAN, EGYPT, KOSOVO, AND ITALY

Mr. SPECTER. Mr. President, on August 14, I landed in Amsterdam, Holland, and proceeded directly to the War Crimes Tribunal in The Hague. There, I met with a team of the leading prosecutors/investigators at the Tribunal including John Ralston, Bob Reid, Graham Blewitt, and J. Clint Williamson. Ralston, Reid, and Blewitt are all Australians who got their start together hunting Nazis who had immigrated to Australia following World War II. They have been at War Crimes Tribunal since 1994. Williamson is an American who used to work for the Department of Justice.

Recently the prosecutors obtained a very important indictment against five individuals: Yugoslav President Slobodan Milosevic, the President of Serbia, the Serbian Interior Minister, the Deputy Prime Minister of Yugoslavia, and the Chief of Staff of the Yugoslav Army. They have been charged with crimes against humanity in the deportation of more than 700,000 ethnic Albanians from Kosovo and mass murder. Their theory of prosecution is that the atrocities in Kosovo were so systematic and widespread that they must have been orchestrated at the highest levels of the Yugoslav/Serbian government and military.

No arrests in connection with this indictment have been made to date. When I asked about the prospects of detaining Milosevic and bringing him to trial, my hosts told me that this will happen only when a new government comes to power in Yugoslavia. It is possible that such a government may

quickly find that Milosevic is too great a liability and hand him over.

I also asked about the prospects of capturing another indicted war criminal, Radovan Karadzic, the leader of the Bosnian Serbs during the fighting in Bosnia. Karadzic is still in Bosnia and to date remains at large. Karadzic is believed to be in the French sector of Bosnia, and the French have shown no interest in arresting him. Unfortunately, the United States has also shown a lack of resolve on this issue. I believe that capturing Karadzic and trying him before the War Crimes Tribunal would send a powerful signal to leaders around the world that they are not immune from prosecution, and that prosecution will not be limited merely to the troops on the ground. Had Karadzic been in custody in the Hague awaiting or standing trial, one wonders whether Milosevic would have acted as brazenly as he did in Kosovo.

The war crimes team all stressed that there was a great deal of work to do collecting evidence of the war crimes in Kosovo and that this work needed to be done prior to October, when winter weather would prevent further excavations until the Spring. They also told me that the work was particularly challenging because the Serbs had gone to great lengths to hide their crimes, including burning the bodies of their victims, bulldozing houses in which mass murders took place, and dispersing bodies from mass graves.

In early summer, the FBI sent a team of forensic experts to help collect evidence of war crimes in Kosovo, and the FBI was preparing to send a second team at the end of August. I had helped to get funding for these FBI missions, and was interested in hearing about what the FBI was doing. The team at the War Crimes Tribunal told me that the FBI had been sent to work at a number of massacre sights where most of the evidence had been destroyed, usually by burning the victims' corpses. Despite the difficulties, the FBI was able to find evidence, including bone fragments, blood stains, shell castings, and petrol cans used to start the fires. They have exhumed victim bodies and conducted autopsies. This evidence will prove invaluable when the individuals under indictment are finally brought to trial.

I asked my hosts if they needed any additional resources. Mr. Blewitt told me that resources continued to be a problem—the tribunal was currently borrowing against other areas of its budget in order to fund its Kosovo operations and would run out of money by early October. He mentioned that the \$9 million dollars recently pledged by President Clinton would carry them through the end of 1999.

After leaving the War Crimes Tribunal, we proceeded to meet with General Wesley Clark, the Supreme Allied Commander of NATO forces. General Clark ran our war effort in Kosovo and continues to manage the day-to-day

operations there, and is a valuable source of information about the situation on the ground.

I asked the General about the odds of capturing Milosevic and bringing him to trial. The General stated that he was optimistic that one day Milosevic and the others would indeed be captured and brought to justice. I also asked him about the chances of capturing Karadzic. He mentioned that Karadzic is in hiding, surrounded by guards, and goes to great lengths to avoid being located such as avoiding the use of cell phones. Still, I got the impression that if NATO were truly determined to capture him, they could do so.

I also asked General Clark about the Apache helicopters that were sent to Kosovo with much fanfare but were never used. He told me that the Pentagon had conducted a risk/benefit analysis and decided that the risk of losing one of these expensive helicopters outweighed the benefit that could be derived by their use. I expressed my view that there is no point in having all of this high priced machinery unless it is going to be used.

Our next stop was Kiev, the capital of Ukraine. We arrived in Ukraine shortly before the celebration of its 8th Independence Day. During this short period, Ukraine has become an important country for U.S. foreign policy. After the dissolution of the Soviet Union, Ukraine was left with one of the largest nuclear arsenals in the world. Our work with Ukraine has eliminated all of these nuclear weapons. In addition, Ukraine is a young country making the difficult transition from totalitarian rule to democracy and from a planned economy to a market economy. If Ukraine succeeds, it can lead the way for Russia and other former Soviet Republics to follow. If Ukraine fails, it could revert to communism and possibly join Russia and others in a union that would once again seek to pursue global power through militarism. The United States has a lot at stake here.

During my stay in Ukraine, I met with the top leadership of the country including President Leonid Kuchma, Prime Minister Valeriy Pustovoitenko, Deputy Foreign Minister Oleksandr Chalyi, and Secretary Volodymyr Horbulyn, who is the head of the National Security and Defense Council. These meetings provided valuable information on the challenges facing Ukraine and the role the United States can play to help this country on the difficult path to democracy and free markets.

President Kuchma is up for reelection this October. He is generally considered to be a reformer and a man who will continue down the path towards democracy and free markets. His strongest opponents are the Communists and the Socialists, who have opposed Kuchma's market reforms.

I was curious to know what my hosts thought would be the major issues in the campaign. Both President Kuchma